



Docket No.: 064162-0030

PATENT

[Signature]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer Number: 20277
Michael L ROONEY : Confirmation Number: 5087
Application No.: 10/757,848 : Group Art Unit: 1714
Filed: January 16, 2004 : Examiner: Anthony, Joseph David
For: OXYGEN SCAVENGERS INDEPENDENT OF TRANSITION METAL CATALYSTS

RESPONSE TO NOTICE OF INCOMPLETE RESPONSE
DATED MARCH 8, 2007

Mail Stop Restriction
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Examiner's Notice of Incomplete Response to the restriction requirement dated March 8, 2007, in which the Examiner has held that the reply submitted on December 11, 2006 to the restriction requirement dated October 5, 2006 is inadequate because Applicant "failed to include a listing of all claims readable on the elected invention and species" The claims readable on the elected invention and species are claims 35-49.

The Examiner asserts in the Notice that Applicant's statement "As such the Examiner's assertion that the process can be carried out with another product is incorrect" is "totally false." Applicant respectfully disagrees with the Examiner's characterization of the statement.

The language in the statement alleged to false has its origin in the restriction requirement itself. On page 2, paragraph 2 of the restriction requirement, the Examiner asserted that "the process ... can be practiced [i.e., carried out] with another ... product." Applicant's statement shows disagreement with the Examiner's statement and regards the statement to be incorrect with respect to the restriction because the claimed process and claimed product are closely related to each other. The process in claims 67 to 83 recites the same product (composition) set forth in claims 35-49. For this reason, Applicant is arguing that the claims are so related to each other, the inventions are not independent and distinct and therefore the restriction is in error. See 37 C.F.R. § 1.111(b), which proscribes that the Applicant point out the "supposed errors" in the Examiner' action in the response to the action. While the Examiner may disagree with the argument, Applicant's statement is not "totally false."

Accordingly, Applicant requests that the Examiner either point out how and why the Applicant's statement would be characterized as being "totally false" or withdraw the accusation.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

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including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Date: March 21, 2007

**Please recognize our Customer No. 20277
as our correspondence address.**